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ASUSTEK COMPUTER INC. and ASUS  
COMPUTER INTERNATIONAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASUSTEK COMPUTER INC. AND  
ASUS COMPUTER INTERNATIONAL,

Plaintiffs,

v.

ROUND ROCK RESEARCH, LLC,  
AMERICAN MEGATRENDS INC.,  
SAMSUNG ELECTRONICS CO., LTD.,

Defendants.

Case No. 3:12-cv-02099-JST

**DECLARATION OF JAMES C.  
PISTORINO IN SUPPORT OF ASUSTEK  
COMPUTER, INC. AND ASUS  
COMPUTER INTERNATIONAL'S  
MOTION FOR SUMMARY JUDGMENT**

1 I, James C. Pistorino, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am a  
3 partner at the law firm of Perkins Coie LLP, counsel for Plaintiffs ASUSTeK Computer, Inc.  
4 (“ASUS Taiwan”) and ASUS Computer International (“ASUS California”) (collectively  
5 “ASUS”). I submit this declaration in support of ASUS’ Motion for Summary Judgment.

6 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the  
7 deposition transcript of David Taylor, taken February 5, 2014.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of Round Rock’s  
9 Infringement Contentions served on September 20, 2012.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of a list of each product  
11 Round Rock has accused of infringing but has had no contact with the United States (and is a  
12 copy of Exhibit A to the Chen Declaration).

13 5. Attached hereto as Exhibit 4 is a true and correct copy of a list of those products  
14 whose DDR3 SDRAM suppliers include Samsung and Hynix summarized from Exhibit J of the  
15 Chen Declaration.

16 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the  
17 Corrected Opening Expert Report of David Taylor Concerning Infringement by ASUS Computer  
18 International and ASUSTeK Computer Inc. of U.S. Patent Nos. 6,930,949, 6,570,791, and  
19 6,845,053, dated January 8, 2014.

20 7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the JEDEC  
21 eMMC Standard, produced by Round Rock in this matter at RRR-ASUS-NDCAL0000703.

22 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the JEDEC  
23 eMMC 4.3 Standard, produced by ASUS in this matter at ASUS-RR3-0175295.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the  
25 Rebuttal Validity Expert Report of David Taylor Concerning Expert Report of Dr. R. Jacob Baker  
26 Regarding U.S. Patent Nos. 6,570,791, 6,845,053, and 6,930,949, dated January 24, 2014.

27 10. Attached hereto as Exhibit 9 is a true and correct copy of U.S. Patent No.  
28 6,570,791.

1           11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the  
2 deposition transcript of Kevin Widmer, taken November 10, 2013.

3           12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the  
4 deposition transcript of Frankie Roohparvar, taken October 29, 2013.

5           13. Attached hereto as Exhibit 12 is a true and correct copy of U.S. Patent No.  
6 7,279,353.

7           14. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the  
8 deposition transcript of John Kelly, taken November 14, 2013.

9           15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the  
10 JEDEC Standard DDR3 SDRAM Specification (JESD79-3E), produced by Round Rock in this  
11 matter at RRR-ASUS-NDCAL0000477.

12           16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the  
13 Expert Report of Martin Afromowitz Concerning ASUS's Infringement of U.S. Patent Nos.  
14 6,765,276 and 7,279,353, dated January 8, 2014.

15           17. Attached hereto as Exhibit 16 is a true and correct copy of Exhibit H to the Expert  
16 Report of Martin Afromowitz Concerning ASUS's Infringement of U.S. Patent Nos. 6,765,276  
17 and 7,279,353, dated January 8, 2014.

18           18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the  
19 deposition transcript of Dr. Kevin Gibb, taken February 11, 2014.

20           19. Attached hereto as Exhibit 18 is a true and correct copy of Exhibit 2 to the  
21 Deposition of Dr. Kevin Gibb, taken February 11, 2014.

22           20. Attached hereto as Exhibit 19 is a true and correct copy of Exhibit 5 to the  
23 Deposition of Howard Rhodes, taken December 12, 2013.

24           21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the  
25 deposition transcript of Howard Rhodes, taken December 12, 2013.

26           22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from  
27 ASUSTeK Computer Inc.'s and ASUS Computer International's Third Supplemental Responses  
28

1 to Round Rock Research, LLC's First Set of Interrogatories (Nos. 1, 3-5, 7-11), dated December  
2 20, 2013.

3 23. Attached hereto as Exhibit 22 is a true and correct copy of the Patent License  
4 Agreement between Round Rock and Hynix, dated October 31, 2013, produced by Round Rock  
5 in this matter at RRR-ASUS-NDCAL0122048.

6 24. Attached hereto as Exhibit 23 is a true and correct copy of the Patent License  
7 Agreement between Round Rock and Samsung, dated September 30, 2010, produced by Round  
8 Rock in this matter at RRR-ASUS-NDCAL0000342.

9 25. Attached hereto as Exhibit 24 is a true and correct copy of the Patent License  
10 Agreement between Micron and Toshiba, dated August 4, 1997, produced by Micron in this  
11 matter at MCN\_ASUS0002534.

12 26. Attached hereto as Exhibit 25 is a true and correct copy of Round Rock Research's  
13 Second Supplemental Objections and Responses to ASUS's First Set of Interrogatories (Nos. 5,  
14 15, 18), dated January 21, 2014.

15 27. Attached hereto as Exhibit 26 is a true and correct copy of the Patent Sale and  
16 Transfer Agreement between Round Rock and Micron, dated December 30, 2009, produced by  
17 Round Rock in this matter at RRR-ASUS-NDCAL0124105.

18 28. Attached hereto as Exhibit 27 is a true and correct copy of the Amended and  
19 Restated Non-Suit Agreement between NTC and Micron, dated November 26, 2008, produced by  
20 Micron in this matter at MCN\_ASUS0002697.

21 29. Attached hereto as Exhibit 28 is a true and correct copy of the Patent Portfolio  
22 Cross License Agreement between Qimonda AG and Micron, dated October 20, 2008, produced  
23 by Micron in this matter at MCN\_ASUS0002642.

24 30. Attached hereto as Exhibit 29 is a true and correct copy of Exhibit 3B to the  
25 Expert Report of David Yurkerwich, dated January 8, 2014.

26 31. Attached hereto as Exhibit 30 is a true and correct copy of Exhibit 10 to the Expert  
27 Report of David Yurkerwich, dated January 8, 2014.  
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1           32.     Attached hereto as Exhibit 31 is a true and correct copy of a presentation for a  
2 meeting between Round Rock and ASUSTeK, dated June 9, 2011, produced by ASUS in this  
3 matter at ASUS-RR3-0000001.

4           33.     Attached hereto as Exhibit 32 is a true and correct copy of a presentation for a  
5 meeting between Round Rock and ASUSTeK, dated March 7, 2012, produced by ASUS in this  
6 matter at ASUS-RR3-0000025.

7  
8 I declare the foregoing to be true and correct under penalty of perjury. Executed this 28th day of  
9 February, 2014 in Palo Alto, California.

10  
11 **PERKINS COIE LLP**

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13 By: /s/ James C. Pistorino

James C. Pistorino

JPistorino@perkinscoie.com

14  
15 Attorneys for Plaintiffs  
16 ASUSTEK COMPUTER INC. and ASUS  
17 COMPUTER INTERNATIONAL  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5-5(b). Any other counsel of record will be served via email.

/s/ James C. Pistorino  
James C. Pistorino